

REMARKS

Entry of this Amendment, filed concurrently with the Request for Continued Examination, is respectfully requested. This response is being filed within two-months of the Advisory Action dated April 12, 2007, and therefore requires a fee for a two-month extension of time. The Advisory Action dated April 14, 2007 was mailed in response to Applicant's After Final Response mailed on Monday, March 5, 2007, which was within two months of the mail date of the Final Office Action dated January 4, 2007. The fee for this two-month extension has been charged to our deposit account on May 9, 2007, after submission of Applicant's second After-Final Amendment and request for one-month extension of time filed on May 8, 2007.

By this amendment claims 1, 16 and 25 have been amended to more specifically claim the subject matter of Applicant's invention. For the following reasons, it is respectfully submitted that Applicant's invention as set forth in the amended claims include features which are not rendered obvious by the cited references, taken singly or in combination. Reconsideration of the application as amended is requested.

In the Final Office Action dated January 4, 2007, claims 1-25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Becker, U.S. Patent No. 5,549,760 in conjunction with Nelson, U.S. Patent No. 4,985, 106 or Herreman, U.S. Patent No. 5,965,851, in view of either Jordan, U.S. Patent Application Publication No. 2005/0076938 or Marks et al, U.S. Patent No. 5,549,760. In the Advisory Action dated April 12, 2007, Jordan has been disqualified as a proper reference. The Examiner submits that although Becker, Nelson, and Herreman do not disclose a sound attenuator substantially closing the motor cavity opening to attenuate the sound emanating through the motor cavity opening and an access panel covering the motor panel, it would have been obvious to one skilled in the art to have modified the dishwashers in Becker, Nelson, and Herreman by substantially closing the motor cavity opening with the sound attenuator to attenuate the sound from the motor cavity and adding an access panel as taught by Marks.

Claim 1 discloses dishwasher with a motor cavity having a front-facing motor cavity opening defined intermediate the wash tub bottom wall and the support frame lower portion. A sound attenuator, comprising a sound barrier element and a sound absorbing element, substantially closes the motor cavity opening and extends along a bottom portion of the motor cavity to attenuate the sound emanated from the motor cavity. Claim 16 recites a method of installing a motor cavity sound attenuator. The method includes providing a sound

attenuator comprising a sound barrier and a sound absorber and positioning the sound attenuator to cover the motor cavity opening and extend along a bottom portion of the motor cavity. Claim 25 recites a dishwasher with a motor cavity having a front-facing motor cavity opening defined intermediate the wash tub bottom wall and the support frame lower portion, an access panel covering the motor cavity opening, and a sound attenuator comprising a sound barrier element and a sound absorbing element. The sound attenuator is inserted into the motor cavity opening. The sound attenuator extends along a bottom portion of the motor cavity and against a side portion of the motor cavity and substantially closes the motor cavity opening to attenuate the sound emanated from the motor cavity.

Becker discloses a dishwasher tub having an insulation sheet 32 mounted to the top and opposing sidewalls on the exterior surfaces of the dishwasher tub for limiting noise "emanating from the tub 10." Col. 2, ll. 60-67. The exterior sides of the wash tub includes mounting tabs 24 that secure the insulation sheet 32 to the outer tub when mounting clips 38 are inserted in the tabs 24. See Figs. 4 and 7.

Nelson discloses a multi-layered insulation panel for an appliance such as a dishwasher. A sealing and insulating device 155 is positioned on the exterior surface of the dishwasher housing 151 and overlays the two side panels and the top panel of the housing 151. Col. 17, ll. 39-42 and Figs. 14-15. The first and second layers are joined together along the peripheral edges to define an enclosed cavity where the insulation material is retained between the layers. Col. 4, ll. 33-36 and Figs. 1-4. Nelson is relevant only for its disclosure of a multi-layered insulating material to be used on the exterior of a dishwasher.

Herreman discloses an insulation panel 24, 26, 28 having a sound absorbing layer and a sound reflecting barrier. The insulation panels are attached to various dishwasher faces. Col. 3, ll. 9-11 and Fig. 1. Alternatively, the panels may be attached to a rigid termination member, such as a kitchen cabinet wall 39 rather than directly to the appliance. Col. 4, ll. 57-60. Applicant submits, as stated by the Examiner, Becker, Nelson and Herreman are devoid of a sound attenuator substantially closing the motor cavity opening and extending along a bottom portion of the motor cavity to attenuate the sound emanating from the motor cavity through the motor cavity opening as recited in independent claims 1, 16 and 25.

Marks is relevant only for its disclosure of an insulated access panel arrangement 16 for a dishwasher front, located beneath and flush with the door. As shown in Fig. 4, which illustrates a cross-sectional view of the access panel, the access panel 20 is

attached to a frame member 30 having a back wall 40. The back wall 40 supports the panel 20 against movement inward toward the mechanical components of the dishwasher. Col. 4, ll. 3-5. Marks also discloses that the back wall 40 can include insulation block 86 on the back side to reduce noise. Col. 5, ll. 53-55. However, Marks does not disclose the insulation block 86 substantially closing the motor cavity opening and extending along a bottom portion of the motor cavity to attenuate the sound emanating from the motor cavity as recited in independent claims 1 and 16, or extending along a bottom portion of the motor cavity and against a portion of the motor cavity as recited in claim 25. Therefore, it is submitted that Becker, Nelson, and Herreman do not anticipate, teach or suggest the configuration where a sound attenuator substantially closes the motor cavity opening and extending along a bottom portion of the motor cavity to attenuate the sound emanating from the motor cavity as recited in independent claims 1 and 16, or extending along a bottom portion of the motor cavity and against a portion of the motor cavity as recited in claim 25, and the addition of the Marks reference does not overcome this deficiency.

It is respectfully submitted that this Amendment traverses and overcomes all of the Examiner's objections and rejections to the application and places the application in suitable condition for allowance; notice of which is respectfully requested. Reconsideration of the application is requested.

Respectfully submitted,

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